

Ordinance No. 591-2026

**By Council Members Bishop and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

To amend Sections 551.01 through Sections 551.08, 551.111, 551.191, 551.26, 551.33 and 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to waste collection and disposal citations.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 551.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2461-03, passed June 21, 2004, and

Section 551.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 974-13, passed December 1, 2014, and

Section 551.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.111 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 974-13, passed December 1, 2014, and

Section 551.191 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2023, and

Section 551.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 893-91, passed April 22, 1991, and

Section 551.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 545-2022, passed June 6, 2022,

are amended to read as follows:

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551.01 Definitions

(a) “Garbage” means all putrescible wastes, including, but not limited to, vegetable matter, animal offal, carcasses of dead animals and the like, excluding recognized industrial by-products.

(b) “Industrial waste” includes rubbish and processing wastes associated with mechanical or chemical transformation of inorganic or organic substances into new products or from assembling component parts.

(c) “Solid waste” means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, household, community and private operations, excluding earth material from construction, mining, demolition operations, and slag. Such material shall be deemed to include, but not be limited to, garbage, rubbish (both combustible and noncombustible), street dirt, debris, ashes, any discarded matter to be removed from public and private properties and other like substances which may be harmful or inimical to public health, as well as other items determined to be solid waste by the Director of Public Service Works.

(d) “Regular Household Waste “more commonly known as “Municipal Solid Waste” (MSW)— means waste generated in ordinary residential uses such as product packaging, grass clippings, clothing, food scraps, excluding recyclable materials, hazardous waste and any waste excluded from being placed out for curbside collection by law, rule or regulation.

(e) “Recycling materials” means glass, metal cans, plastic bottles, mixed paper, and cardboard that are prepared for collection in accordance with this chapter and the rules and regulations issued under it.

(f) “Cart” means a waste containers for residential collection of both household municipal solid waste, and recyclable material that is issued by the City.

551.02 Approved Waste Containers

Waste containers approved for residential collection by the City shall be ~~substantially constructed of plastic, nonrusting metal or other nonleakable, nonabsorbent material. Such containers shall be capable of being tightly closed by lid or tie, so as to prevent insect breeding, spillage of refuse and other health and safety problems issued by the City for each address that is currently paying the solid waste collection fee as outlined in section 551.022.~~ Containers shall not exceed seventy (70) pounds in weight when filled except for smaller 64-gallon containers issued by the City for a person(s) with a disability. ~~Rigid containers of metal, plastic or other nonleakable nonabsorbent material shall be equipped with handles to facilitate handling.~~ Bags containing yard waste shall be of sufficient gauge to prevent easy tearing. ~~The container bags shall be of such a size, shape and weight that, when filled, it may be easily handled by one (1) person.~~

551.03 Unacceptable Containers

~~The Director of Public Service or his or her authorized agent shall seize and destroy a waste container which is in poor repair or which has rough or sharp edges or other defects which render it dangerous to handle; which is so dilapidated that it is not suitable for holding waste materials; or which may create a health or safety hazard;~~

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~~provided that written notice by the Director or his or her authorized agent is given to the owner or person having control of such container. The written notice shall state that such container is dangerous or unsuitable for use and that if it is not replaced or satisfactorily repaired prior to the next collection of garbage or other solid waste material following such written notice, such container shall be confiscated. Personal containers that are placed out for collection that have not been issued by the City will be considered unacceptable, except for bags containing yard waste as described in Section 551.02.~~

551.04 Setting Out Containers

(a) No person shall set out solid waste for collection in a waste container that fails to meet the requirements of Section 551.02.

(b) No person shall set out for collection solid waste that cannot be contained in a waste container except in the manner prescribed by Section 551.05.

(c) No person shall set out solid waste for collection at any place other than the tree lawn in front of the property or at another designated place for waste collection as defined in division (g) of this section.

(d) No person shall set out any solid waste or any waste ~~container~~ cart for collection earlier than 12:00 noon on the day preceding a regular collection day.

(e) No person who has set out a waste ~~container~~ cart for collection shall fail to remove it from the tree lawn or other designated place for waste collection no later than 12:00 noon on the day following the date of collection.

(f) No owner of any property in the City shall fail to maintain the tree lawn of the property or other designated place for waste collection free from any solid waste or solid waste containers, except that it shall not be a violation of this division if:

(1) The solid waste or solid waste containers are found on the tree lawn or other designated place for waste collection not earlier than noon the day before a regular collection day; and

(2) The solid waste is in a container or containers that meet the requirements of Section 551.02, or without a container if the requirements of Section 551.05 are met; and

(3) All solid waste and solid waste containers are removed from the tree lawn or other designated place for collection within twelve (12) hours after the collection occurs.

(g) The Director of Public Service may issue rules not inconsistent with the requirements of this chapter to establish designated places for waste collection. Any such rule of the Director shall be effective ten (10) days after its publication in the *City Record*.

(h) As used in this section:

(1) The phrase "tree lawn" means the area between the curb and the sidewalk or the area between the curb and property line if there is no sidewalk.

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(2) The phrase “another designated place for waste collection” or “other designated place for waste collection” means an alleyway adjacent to the property if waste collection occurs there, and also means any other place designated for waste collection pursuant to rule of the Director of Public Service issued under division (g) of this section.

551.05 Special Waste Bulk Items

(a) ~~No furniture, tires, yard waste, bundle of brush, tree trunk or other such special waste shall be routinely collected by the regular waste collectors. Any solid waste, other than furniture, appliances or other such bulk items, that is so large that it cannot be contained in approved containers, shall be securely tied in compact bundles not to exceed one hundred (100) pounds in weight and shall be placed in a location convenient for collection. Bulk Items generally defined as, but are not limited to, large items such as appliances, televisions, furniture with fabric and mattresses that are wrapped, are all allowed to be set out for collection on the designated bulk item week.~~

(b) ~~Special waste generally includes, but is not limited to, large bulk items such as refrigerators, furniture, mattresses, couches, shelving, fencing, house doors, storm windows, televisions, and bicycles. Material such as drywall, bricks, roofing debris, toilets, windows, doors, wood used for construction and auto parts are prohibited for collection.~~

(c) ~~Bags containing regular household waste are not considered a bulk items and thus prohibited to be set out for collection.~~

Section 551.111 Setting out an Excessively Large Quantity of Waste for Collection Prohibited; Applicability; Penalty

(a) ~~No person shall set out for collection on a parcel's tree lawn or other designated place for collection, in a manual collection zone, a quantity of solid waste, exceeding five (5) approved waste containers, twenty (20) bags of yard waste, twenty (20) bundles of brush or tree trunks, four (4) tires, or three (3) special waste items as described in division (b) outside the city issued cart any items except a quantity of twenty (20) bags of yard waste, twenty (20) tied 3'x3' bundles of brush, four (4) passenger tires off the rim, or three (3) bulk items as described in division (a) of Section 551.05 on the designated bulk item collection week.~~

(b) ~~No person shall set out for collection on a parcel's tree lawn or other designated place for collection, in an automated collection zone, a quantity of solid waste exceeding twenty (20) bags of yard waste, twenty (20) bundles of brush or tree trunks, four (4) tires, or three (3) special waste bulk items as described in division (b) (a) of Section 551.05.~~

(c) Applicability. The offenses established in this section are applicable without regard to whether the offender:

(1) Sets the waste out due to an eviction, a house or garage cleanout, or for any other reason;

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(2) Uses or intends to use a public or private vendor or entity for its disposal;

(3) Sets out the waste for the purpose of staging it for eventual disposal.

(d) Penalty Any person who violates this section is liable for the civil infraction established under Section 551.991 and is guilty of a special misdemeanor for which the maximum penalty shall be three hundred fifty dollars (\$350.00). The penalty for a violation(s) of this Section are as follows: \$25.00 per item outside of the cart, up to four (4) items; \$200.00 for more than five (5) to ten (10) items; and \$350.00 for more than ten (10) items.

551.07 Wrapping and Storage of Garbage

(a) Before being deposited in waste ~~containers~~ carts, parcels of household garbage shall be drained of moisture and wrapped in paper or other combustible material. All human or animal waste placed in a City-issued cart or public receptacle must be wrapped in such a manner to prevent the spread of infectious disease. All ~~containers~~ carts used for garbage shall be kept clean and disinfected.

(b) No garbage shall be allowed to remain exposed in a building or on a premises longer than is reasonably necessary to remove and deposit the same in proper waste containers.

551.08 Scattering Solid Waste

(a) Items of solid waste which are susceptible to being blown about by the wind or otherwise scattered, or which might create a health and safety hazard, shall not be unloaded, placed, stored or transferred along public streets or sidewalks, except in bags, boxes, bales or other suitable containers.

(b) No person shall throw or scatter any trash, refuse or other waste, or cause the same to be thrown or scattered, in a street, on a tree lawn, on a vacant property or other public place. The Director of Public Works and The Commissioner of Waste Collection shall authorize Service Public Works Department employees to pick up such items for disposal issue a citation and pick up such items for disposal.

551.191 Waste Hauling Fee

The Director of Public ~~Service~~ Works is authorized to assess an annual fee of ~~seventy-five dollars (\$75.00)~~ one hundred and fifty dollars (\$150.00) to be charged for the licensing of any private vehicle engaged in the business of collecting, transporting, carrying or hauling any solid waste.

551.26 Dumping Prohibited

(a) As used in this section, "Commercial Car," "Trailer," "Truck" and "Vehicle" shall have the meaning ascribed to them in Chapter 401 of the Codified Ordinances.

(b) No person shall dump or otherwise dispose of solid waste or industrial waste by commercial car, trailer, semitrailer, pole trailer or truck on any public or private property not licensed as a solid waste disposal facility pursuant to this chapter,

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except as provided in Section 551.29. Any owner of a commercial car, trailer, semitrailer, pole trailer or truck who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division is guilty of a violation of this division.

(c) No person shall dump or otherwise dispose of solid waste or industrial waste by any vehicle other than a commercial car, trailer, semitrailer, pole trailer or truck on any public or private property or place not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29. Any owner of a vehicle who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division is guilty of a violation of this division.

(d) This Council determines that solid waste and industrial waste dumped or otherwise deposited on public or private property not licensed as a solid waste disposal facility pursuant to this chapter, except as provided in Section 551.29, constitutes a public nuisance which must be abated, for this reason, any expense or costs incurred in removing waste dumped or deposited in violation of this section shall be paid by the violator. The Director of Public ~~Service~~ Works is hereby authorized to send written notice to violators of division (b) and (c) of this section to remove waste dumped or deposited in violation of this section within five (5) days of receipt of the notice. If the violator fails to remove the waste within the time provided in the notice, the Director of Public ~~Service~~ Works may remove the waste and the Director of Law may take any action necessary to collect the cost of the removal from the violator.

551.33 Renewal of License

The license required in Section 551.31 is renewable annually upon the payment of a fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00), which fee may be paid during the thirty (30) day period immediately preceding the expiration of the license. However, such license may be renewed within ninety (90) days after the expiration date upon the payment of the renewal fee of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00), and a penalty of ~~one hundred dollars (\$100.00)~~ one thousand dollars (\$1,000.00), and a penalty of ~~two hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1,000.00). No expired license may be renewed after a period of ninety (90) days following its expiration.

551.991 Civil Infractions

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for the infractions established by this section. This civil enforcement system imposes monetary liability on the responsible parties as defined in division (m).

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a ticket to the responsible parties as defined in division (m):

- (1) Section 551.04, division (d), relating to the early set out of waste.
- (2) Section 551.04, division (e), relating to failing to remove a waste container after collection.

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(3) Section 551.111, division (a) and division (b), relating to excessively large quantity of waste for collection.

(4) Section 551.041, division (a), relating to automated waste collection and recycling infractions.

(5) Section 551.06, relating to responsibility to provide containers and location of containers.

Any person who violates any of the foregoing prohibitions has committed an infraction for which liability is imposed by division (b) upon the responsible parties as defined in division (m).

(b) *Liability Imposed.* Each owner of a parcel at which an infraction has occurred is liable to the City of Cleveland in the amounts established in divisions (f) and (g).

(c) *Noncriminal Offense; No Conviction.* The infractions established by this section are noncriminal. The imposition of liability upon the responsible parties under this section shall not be deemed a conviction for any purpose.

(d) *Other Costs and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting the effects of any other section of these Codified Ordinances, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.

(e) *Tickets – Service; Contents.* If a violation of division (a) is observed by an employee of the Division of Waste Collection and Disposal or any other City employee whose duties include the enforcement of this section, then the Director of Public Works shall cause the responsible parties to be issued a ticket. The ticket shall be served by sending it via regular U.S. mail, postage prepaid, to the parcel owner(s) at the tax mailing address shown in the records of the County Recorder.

The date of mailing of the ticket shall be deemed to be the date of issuance of the ticket. If the mailing is unreturned, then it shall establish that the respondents were given actual or constructive notice of the imposition of liability under this section.

The ticket shall identify the parcel owner(s) as respondents. The ticket shall state that the respondents are responsible parties for the commission of a civil infraction under this section.

The ticket shall inform the respondents of the procedure to file an appeal and the time frame for filing it. The ticket shall state that failure to appeal the ticket or pay the costs imposed not later than twenty (20) days from the date of issuance of the ticket shall constitute a waiver of the right to contest the ticket and shall be considered an admission. The ticket shall further state that if the ticket is not appealed or paid in that time frame, then a default finding of civil liability shall be imposed upon respondents for the costs established in divisions (f) and (g).

The ticket may be in any format that includes all of the elements required by this section.

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(f) *Penalties Established.* The costs imposed by this section upon the responsible parties for the commission of an infraction contrary to division (a) shall be assessed in accordance with the following schedule:

| Section | Civil Penalty |
|------------------------------|--|
| 551.1 11, division (a) | \$100.00. However, if the quantity of solid waste exceeds ten (10) approved waste containers, forty (40) bags of yard waste, forty (40) bundles or brush or tree trunks, eight (8) tires, or six (6) special waste items, the civil penalty shall be \$350.00. |
| 551.1 11, division (b) | \$100.00. However, if the quantity of solid waste exceeds ten (10) approved waste containers, forty (40) bags of yard waste, forty (40) bundles of brush or tree trunks, or six (6) special waste items, the civil penalty shall be \$350.00 |
| 551.0 4, division (d) | \$100.00 |
| 551.0 4, division (e) | \$100.00 |
| 551.0 41, division (a) | \$100.00 |
| 6 | \$100.00 |

The costs established by this section are imposed upon the responsible parties both as civil penalties and to reimburse the City for a portion of the costs incurred by it in the enforcement of infractions, and for some infractions, the increased costs of solid waste disposal.

(g) *Late Penalties.* Late penalties shall be assessed in accordance with the following schedule:

(1) If the costs established in division (f) remain unpaid ~~twenty (20)~~ sixty (60) days after the ticket is issued or ~~twenty (20)~~ sixty (60) days after the conclusion of all appeals, an additional twenty dollars (\$20.00) shall be assessed; and

(2) If the costs established in division (f) remain unpaid forty (40) days after the ticket is issued or forty (40) days after the conclusion of all appeals, an additional forty dollars (\$40.00) shall be added to the twenty dollars (\$20.00) assessed under division (g)(1) for a total additional penalty of sixty dollars (\$60.00) in such a case.

(h) *Appeals – Timing.* Any respondent or other person who is potentially liable for the costs imposed by this section may appeal the imposition of liability to the Director of Public Works or his or her designee, which may include the Clerk of the Cleveland Municipal Court in his or her capacity as Parking Violations Bureau Administrator or otherwise, in the manner described in the ticket. As used in divisions (h), (i) and (j) of this section, “Director” means the Director of Public Works or his or her designee.

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The appeal shall be taken not later than twenty (20) days from the date of issuance of the ticket. Failure to appeal the ticket or pay the costs imposed within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

(i) *Appeal – Process.* The Director shall establish an administrative appeal process for persons to appeal tickets issued under this section. The administrative appeal process shall allow the appellant the right to present appellant’s case in person and may allow for evidence to be presented ex-parte. The strict rules of evidence applicable to courts of law shall not apply in any administrative hearing or ex-parte review. The ticket charging the offense shall constitute prima facie evidence that the offense identified in the ticket occurred and that the parcel owner(s) to whom the ticket was mailed are the responsible parties as defined in division (m) and are liable to the City of Cleveland for the costs imposed by this section.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed but that there are reasons for the commission of the infraction that mitigate the offense, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket, but may in the interest of equity reduce the costs assessed.

If the Director finds by a preponderance of evidence that the appellant is not liable under this section for the costs assessed, then the Director shall dismiss the ticket and grant the appeal.

(j) *Appeal of the Director’s Decision.* Any person subject to an adverse decision of the Director may appeal that decision to the Board of Zoning Appeals. The notice of appeal shall be in writing and shall be filed with the Board of Zoning Appeals within ten (10) days of the decision of the Director. The Board shall approve, modify or annul the finding from which the appeal is taken.

(k) *Collection.* The costs imposed by this section may be enforced and collected by means of a civil action or any other means provided for in these Codified Ordinances or the Ohio Revised Code.

(1) If a bill is not paid within sixty (60) days, or if the name or address of the owner is not known, the Director of Public Works may certify that fact to the Commissioner of Assessments and Licenses. The Commissioner may make a written return to the County Auditor of the action under this chapter, including a statement of the costs of the solid waste disposal and a description of the property sufficient to allow the costs to become a lien on the property. If the Commissioner makes a return to the County Auditors, then the lien on the property shall be collected in the same manner as other taxes and returned to the City general fund in accordance with RC Chapter 731.

(2) Nothing in this section shall prevent the Director of Law from taking any other legal or equitable action necessary to collect the costs of solid waste disposal described by this section.

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(l) *Rules and Regulations.* The Director of Public Works may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after their publication in the *City Record*.

(m) *Definitions.* As used in this section:

(1) “Director” means the Director of Public Works and in the case of appeals, the Director of Public Works or his or her designee.

(2) “Owner” or “parcel owner” mean the person(s) shown in the records of the County Recorder as having legal title to the parcel on which someone has failed to adhere to division (a).

(3) “Person” includes an individual, corporation, business trust, estate, trust, partnership, and association.

(4) “Responsible party” and “responsible parties” has the same meaning as “owner” or “parcel owner”.

Section 2. That the existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 551.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

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Section 551.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Section 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 545-2022, passed June 6, 2022,

are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:uo
5-11-26
FOR: Director Laird

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REPORT
after second Reading

By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 551.01 through Sections 551.08, 551.111, 551.191, 551.26, 551.33 and 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to waste collection and disposal citations.

READ FIRST TIME on MAY 11, 2026 **REPORTS**
and referred to **DIRECTORS** of Public Works, Finance, and Law;
COMMITTEES on Municipal Services and Properties,
Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 113 Page _____

Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

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FINANCE, DIVERSITY, EQUITY
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